

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO.: <u>08-_____</u>
v.	:	DATE FILED: <u> </u>
ANTHONY DIGGS	:	VIOLATIONS:
	:	18 U.S.C. § 1951 (conspiracy to interfere
	:	with interstate commerce by robbery - 1
	:	count)
	:	18 U.S.C. § 1951 (interference with
	:	interstate commerce by robbery - 6
	:	counts)
	:	18 U.S.C. § 924(c) (using and carrying a
	:	firearm during a crime of violence - 3
	:	counts
	:	18 U.S.C. § 2119 (armed carjacking - 1
	:	count)
	:	18 U.S.C. § 2 (aiding and abetting)
		Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. At all times relevant to this indictment, the following businesses located in Philadelphia, Pennsylvania, were engaged in interstate commerce:

- a. China Panda, 6421 Rising Sun Avenue, Philadelphia, PA;
- b. Yellow Cab, 4425 Rising Sun Avenue, Philadelphia, PA;
- c. New China Chinese Restaurant, 5815 Rising Sun Avenue, Philadelphia, PA;
- c. Pronto Uno Pizzeria, 5809 Rising Sun Avenue, Philadelphia, PA;
- d. Millenium Limo & Sedan Service, 4679 Darrah Street, Philadelphia, PA;

- e. New York Pizzeria, 5808 Rising Sun Avenue, Philadelphia, PA;
- f. High Class Limousine, 412 East Wyoming, Philadelphia, PA;
- g. Pizza Bona, 5734 North Second Street, Philadelphia, PA;
- h. Prince Pizza, 6352 Algon Avenue, Philadelphia, PA;
- i. Yee Garden, 5361 Oxford Avenue, Philadelphia, PA;
- j. Ozzy's Pizza Shop, 5640 North Fifth Street, Philadelphia, PA;
- k. Larry's Steaks & Hoagies, 6400 Rising Sun Avenue, Philadelphia, PA;
- l. Premium Pizza Restaurant, 721 Adams Street, Philadelphia, PA;
and
- m. Golden Garden Chinese Restaurant, 6611 Rising Sun Avenue, Philadelphia, PA.

2. From on or about September 17, 2007 through on or about November 25, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendant

ANTHONY DIGGS

conspired and agreed with persons known and unknown to the grand jury to commit robbery, which robbery would unlawfully obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, in that defendant DIGGS conspired to unlawfully take and obtain money and other items of value from businesses set forth in paragraph 1 above, in the presence of employees and representatives of the businesses, and against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property, all in violation of Title 18, United States Code, Section 1951(a), (b)(1), and (b)(3).

MANNER AND MEANS

It was part of the conspiracy that defendant ANTHONY DIGGS and persons known and unknown to the grand jury:

3. Used both cellular telephones and payphones to entice employees or representatives of businesses in Philadelphia, including some or all of the businesses listed in paragraph 1, to travel to locations chosen by the conspirators.

4. After the businesses' employees or representatives arrived at the locations chosen by the conspirators, the conspirators stole cash, cellular telephones, food, cars, and/or other items of value by placing the employees or representatives of those businesses in fear of physical harm.

OVERT ACTS

In furtherance of this conspiracy, in the Eastern District of Pennsylvania, defendant ANTHONY DIGGS and others committed the following overt acts:

1. On or about October 8, 2007, at 606 Anchor Street in Philadelphia, defendant ANTHONY DIGGS and others stole food, cash, and a 2005 Honda automobile from a delivery driver employed by New China Chinese Restaurant.

2. On or about October 11, 2007, defendant ANTHONY DIGGS gave to "D.C.," a person known to the grand jury, the 2005 Honda automobile referenced in Overt Act No. 1.

3. On or about October 17, 2007, defendant ANTHONY DIGGS obtained a new cellular telephone.

4. On or about October 26, 2007, defendant ANTHONY DIGGS brandished a firearm in the course of stealing \$300 in cash from a driver employed by High Class Limousine.

5. On or about November 7, 2007, defendant ANTHONY DIGGS brandished a firearm in the course of stealing \$160 in cash from a delivery driver employed by Pizza Bona.

6. On or about November 8, 2007, defendant ANTHONY DIGGS and others stole food, cash, and a cellular phone from a delivery driver employed by Prince Pizza.

7. On or about November 11, 2007, defendant ANTHONY DIGGS and others stole food and cash from a delivery driver employed by Yee Garden Chinese Restaurant.

8. On or about November 12, 2007, conspirators stole food, currency, and a 1996 Buick Skylark from a delivery driver employed by Ozzy's Pizza Shop.

9. On or about November 14, 2007, defendant ANTHONY DIGGS took possession of the stolen automobile referenced in paragraph 8.

10. On or about November 17, 2007, defendant ANTHONY DIGGS brandished a firearm in the course of stealing \$20 in cash from a delivery driver employed by Premium Pizza Restaurant.

All in violation of Title 18, United States Code, Section 1951(a).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. At all times material to this indictment, New China Chinese Restaurant, 5815 Rising Sun Avenue, Philadelphia, Pennsylvania, was a business engaged in interstate commerce.

2. On or about October 8, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendant

ANTHONY DIGGS

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that, defendant DIGGS unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, food, approximately \$25 in currency, and a 2005 Honda automobile (VIN: **REDACTED**) from the person or in the presence of another and against his will, by means of actual and threatened force, violence, and fear of injury, immediate and future to his person and property in his possession, that is, by threatening a delivery driver for New China Chinese Restaurant with a dangerous weapon and demanding the food, money, and car in that driver's possession.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 8, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendant

ANTHONY DIGGS,

with intent to cause death and serious bodily harm, took, and aided and abetted, and willfully caused the taking of, a motor vehicle, that is, a 2005 Honda automobile (VIN: **REDACTED**), from the person and presence of another, that is, a delivery driver from New China Restaurant in Philadelphia by force and violence and by intimidation, that had been transported, shipped, and received in interstate commerce.

In violation of Title 18, United States Code, Sections 2119 and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. At all times material to this indictment, High Class Limousine, 402 East Wyoming Avenue, Philadelphia, Pennsylvania, was a business engaged in interstate commerce.

2. On or about October 26, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendant

ANTHONY DIGGS

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that, defendant DIGGS unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, approximately \$300 in currency from the person or in the presence of another and against his will, by means of actual and threatened force, violence, and fear of injury, immediate and future to his person and property in his possession, that is, by brandishing a firearm at a driver for High Class Limousine and demanding the money in that driver's possession.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 26, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendant

ANTHONY DIGGS

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, interference with commerce by robbery and conspiracy to do so, in violation of Title 18, United States Code, Sections 1951(a) and 2.

In violation of Title 18, United States Code, Sections 924(c)(1) and 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. At all times material to this indictment, Pizza Bona, 5734 North Second Street, Philadelphia, Pennsylvania, was a business engaged in interstate commerce.

2. On or about November 7, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendant

ANTHONY DIGGS

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that, defendant DIGGS unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, a cellular telephone and approximately \$160 in currency from the person or in the presence of another and against his will, by means of actual and threatened force, violence, and fear of injury, immediate and future to his person and property in his possession, that is, by brandishing a firearm at a delivery driver for Pizza Bona and taking the money and cellular telephone in that driver's possession.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 7, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendant

ANTHONY DIGGS

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, interference with commerce by robbery and conspiracy to do so, in violation of Title 18, United States Code, Sections 1951(a) and 2.

In violation of Title 18, United States Code, Sections 924(c)(1) and 2.

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

1. At all times material to this indictment, Prince Pizza, 6352 Algon Avenue, Philadelphia, Pennsylvania, was a business engaged in interstate commerce.

2. On or about November 8, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendant

ANTHONY DIGGS

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that, defendant DIGGS unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, food, a cellular telephone, and approximately \$50 in currency from the person or in the presence of another and against his will, by means of actual and threatened force, violence, and fear of injury, immediate and future to his person and property in his possession, that is, by assaulting a delivery driver for Prince Pizza and taking money and property in that driver's possession.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

1. At all times material to this indictment, Yee Garden Restaurant, 5815 Rising Sun Avenue, Philadelphia, Pennsylvania, was a business engaged in interstate commerce.
2. On or about November 11, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendant

ANTHONY DIGGS

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that, defendant DIGGS unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, food and approximately \$50 in currency from the person or in the presence of another and against his will, by means of actual and threatened force, violence, and fear of injury, immediate and future to his person and property in his possession, that is, by assaulting a delivery driver for Yee Garden Restaurant and taking money in that driver's possession.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT TEN

THE GRAND JURY FURTHER CHARGES THAT:

1. At all times material to this indictment, Premium Pizza Restaurant, 721 Adams Street, Philadelphia, Pennsylvania, was a business engaged in interstate commerce.
2. On or about November 17, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendant

ANTHONY DIGGS

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that, DIGGS unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, approximately \$20 in currency from the person or in the presence of another and against his will, by means of actual and threatened force, violence, and fear of injury, immediate and future to his person and property in his possession, that is, by brandishing a firearm at a delivery driver for Premium Pizza Restaurant and demanding the money in that driver's possession.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT ELEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 17, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendant

ANTHONY DIGGS

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, interference with commerce by robbery and conspiracy to do so, in violation of Title 18, United States Code, Sections 1951(a) and 2.

In violation of Title 18, United States Code, Sections 924(c)(1) and 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 924(c)(1) and 1951(a), set forth in this indictment, defendant

ANTHONY DIGGS

shall forfeit to the United States of America, any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses and any firearms and ammunition involved in the commission of such offenses, including, but not limited to at least \$10,000 in robbery proceeds.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other

property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Sections 924(d) and 981(a)(1)(C).

A TRUE BILL:

GRAND JURY FOREPERSON

**PATRICK L. MEEHAN
UNITED STATES ATTORNEY**